

1. THE PARTIES

A. APPLICANT: The Holy Synod of the Bulgarian Orthodox Church with Vicar Chairman the Sofia Metropolitan Inokentiy

1. Surname: Petrov
2. Name: Ivan
Clerical name: Inokentiy
3. Citizenship: Bulgarian
4. Orthodox clergyman - Sofia Metropolitan, Vicar Chairman of the Holy Synod of the Bulgarian Orthodox Church
5. Date and place of birth: 28 August 1963, Yambol City, Bulgaria
6. Permanent residence: 58, G.S.Rakovsky Str, Sofia, Republic of Bulgaria
7. Phone : + 359/983-20-07
GSM + 359/088-66-11-88
8. Current address: 58, G.S.Rakovsky Str, Sofia, Republic of Bulgaria

B.

13. Republic of Bulgaria, Council of Ministers.

II. Statement of the facts

14. Ecclesiastic Popular Council of the Bulgarian Orthodox Church was held between 1 – 4 July 1996. This is the supreme legislative and executive body of this church.

Two important decisions were taken by the Ecclesiastic Popular Council:

FIRST: Amendment and supplement to the Statute (adopted by the Council of Ministers of the People's Republic of Bulgaria on 31.12.1950) of the Bulgarian Orthodox Church were made. Pursuant to this Statute the former Bulgarian Government subdued the Bulgarian Orthodox Church under the entire control and dependence of the Bulgarian Communist Party. The ultimate aim was the church to be deprived of its individuality and an atheistic society to be set up. With the amendment and supplement to the Statute, the Ecclesiastic Popular Council of 1996 abolished this dependence of the Bulgarian Orthodox Church from the state and its party system and guaranteed the religious freedoms of the Orthodox Christians.

SECOND: The Ecclesiastic Popular Council elected a new executive body of the Bulgarian Orthodox Church, thus eliminating its dependence from the former Bulgarian Communist Party through the high clergy appointed by it – Patriarch and Metropolitans.

Pursuant to Art. 6 and Art. 16 of the Religious Denominations Act in force in the Republic of Bulgaria, each religious denomination should file with the Council of Ministers of the Republic of Bulgaria its Statute, and the amendments and supplements thereto, to be confirmed by the Council of Ministers, as well as a list of the executives of the religious denomination to be registered. The Religious Denominations Act and the Constitution of the Republic of Bulgaria do not entitle the Council of Ministers neither to approve, nor to disapprove the Statute and the supreme church executives, elected by the Ecclesiastic Popular Council, but just to confirm the Statute of the Church, except as stipulated in Art. 44 /2/ of the Constitution of the Republic of Bulgaria and to register the elected executives.

The confirmation of the Statute and the registration of the executives of the religious denomination, in this case the Bulgarian Orthodox Church, enables it to fulfill its functions and obligations, as guaranteed with the religious rights and

freedoms of citizens, propetitioned by the Constitution of the Republic of Bulgaria.

Pursuant to the Art. 6 and Art. 16 of the Religious Denominations Act, on 29 July 1996 the Holy Synod of the Bulgarian Orthodox Church, represented by the Bulgarian Patriarch Pimen, elected by the Ecclesiastic Popular Council, has filed with the Council of Ministers an application – Ref. No. 180/29.07.1996 with the amendments and supplements to the Statute of the Bulgarian Orthodox Church to be confirmed pursuant to Art. 6 of the Religious Denominations Act and a list with the details of the executives of the Church, elected by the Council to be registered under Art. 6 of the Religious Denominations Act.

Without any explanation neither written, nor verbal, the state represented by its Government with the Prime Minister Mr. Jean Videnov, failed to fulfill its obligations under Art. 6 and Art. 16 of the Religious Denominations Act and did not reply to the request made by the Holy Synod made pursuant to Art 6 and 16 of this Act.

The Holy Synod appealed before the Supreme Administrative Court of the Republic of Bulgaria the implicit denial of the Council of Ministers to fulfill its obligations under the Religious Denominations Act.

By decree 859 dd. 13.12.1996 the Supreme Administrative Court established that the petition was well grounded and lawful and ruled as follows: "Repeals the implicit denial of the Council of Ministers and the Department of Ecclesiastical Matters to confirm, pursuant to Art 6 and 16 of the Act, the amendments and supplements to the Statute of the Bulgarian Orthodox Church and to register the newly elected central executive bodies of the Bulgarian Orthodox Church, adopted on the Fourth Ecclesiastic Popular Council held between 4 and 6 July 1996."

The case was returned by the court as a file to the Council of Ministers and the Department of Ecclesiastic Matters for adjudicating on the requests of the Bulgarian Orthodox Church.

Pursuant to Art. 30 and in view of Art. 3 of the Act, the decisions of the Supreme Administrative Court of the Republic of Bulgaria are binding on all citizens and institutions in the Republic, including the Bulgarian Government, represented by its Council of Ministers.

The failure to comply with the Religious Denominations Act, especially Art. 6 and Art. 16 as well as the unambiguous and unconditional decision of the Supreme Administrative Court regarding this matter, condemning the implicit denial of the Council of Ministers to adjudicate on the request of the Holy Synod of the Bulgarian Orthodox Church regarding the confirmation of the Statute and the registration of the executive body was also sustained by the Government of Ivan Kostov, following the Government of Jean Videnov.

In view of the decease of Patriarch Pimen and the election of the Sofia Metropolitan – Inokentiy as Vicar Chairman of the Holy Synod of the Bulgarian Orthodox Church, on 28 June 2001 the Holy Synod filed again with the Council of Ministers of the Republic of Bulgaria its request for confirmation of the amendments and supplements to the Statute under Art. 6 of the Religious Denominations Act and the registration of the executive body with Vicar Chairman the Sofia Metropolitan Inokentiy under Art. 16 of the Religious Denominations Act. The second implicit denial of the Council of Ministers to fulfill its obligations under the Religious Denominations Act and decree No. 859 dd.

13.12.1996 of the Supreme Administrative Court was appealed by the Holy Synod before the Supreme Administrative Court on 05.09.2001.

By determination No. 6739 dd. 09.07.2002 regarding the appeal of the Holy Synod the Supreme Administrative Court rejected to hear it due to the fact of having ruled on it with decree dd. 13.12.1996 (refused to be fulfilled by the Council of Ministers).

The former Government of the Republic of Bulgaria, headed by the Prime Minister Mr. Simeon Saxe-Coburg, similarly to the previous governments of Mr. Jean Videnov and Mr. Ivan Kostov, also failed to fulfill their obligations under the Religious Denominations Act in view of both decisions of the Supreme Administrative Court No. 859 dd. 13.12.1996 and No. 6739 dd. 09.07.2002.

As a result the amendments and supplements to the Statute of the Bulgarian Orthodox Church have not been confirmed, as stipulated in the Religious Denominations Act (Art.6.) and the Bulgarian Orthodox Church has been compelled to arrange and carry out its religious activity according to the Statute, imposed by the Former Communist Party in 1950, whereas the state is entitled in violation of the Constitution of the Republic of Bulgaria (Art. 13 /1/ and /2/), to interfere with its internal affairs in the crudest possible way. Meanwhile the denial for registration of the executive body of the Bulgarian Orthodox Church under Art. 16 of the Religious Denominations Act prevents it from carrying out its activity in an ordinary and trouble-free manner due to the lack of a legitimate executive body, recognized by the state and its institutions.

The executive body of the Bulgarian Orthodox Church has been deprived of the right to juridical legitimacy and to operate with its own financial and bank accounts, of tax registration, without which a religious denomination (non-governmental organization) is not able to exist from a legal and formal point of view under the laws of the Republic of Bulgaria.

At the same time the lack of registration of an executive body is an obstacle for carrying out the activities of the local subsidiaries of the Bulgarian Orthodox Church – the Church vicars at the churches of the Bulgarian Orthodox Church, because they have been denied registration with the municipal administrations of the respective towns with the excuse, that the executive body of the Bulgarian Orthodox Church has not been registered, i.e. it is illegitimate from the point of view of the state. This fact has been used by the prosecution and the police in some settlements (Pomorie City, Radnevo City) to occupy the churches and to drive the priests away from them, resulting in the cruel murder of Priest Stefan Kamberov from Bansko City in July 2002.

The Bulgarian Orthodox Church has made use of all means possible, as stipulated by the legislation of the Republic of Bulgaria in searching judicial protection against the arbitrariness of the state, represented by its Government, and has obtained this protection by the Supreme Administrative Court of the Republic of Bulgaria with its two decisions from 1996 and 2002. Unfortunately the state denies to comply with this fact.

The legislation of the Republic of Bulgaria does not foresee any procedure nor a body to protect religious denominations from such an arbitrariness of the

state - the denial of the Council of Ministers of the Republic of Bulgaria to fulfill its obligations under the Religious Denominations Act and the decisions taken by the Supreme Administrative Court of the Republic of Bulgaria.

III. Statement regarding the violation (violations).

The petition is pursuant to Art. 13 of the Convention

The religious denominations, in this case the Bulgarian Orthodox Church, do not dispose of efficient internal legal means for protection against the actions of the State represented by its Council of Ministers, resulting in violation of the rights to religion, guaranteed by the Council. In this case even the Supreme Administrative Court with its decisions is not able to provide such a protection.

We consider, that the events described by us in part II are in compliance with Art. 13 of the Council, as the rights of the Bulgarian Orthodox Church, propetitioned in the Constitution and the Religious Denominations Act of the Republic of Bulgaria, are not protected against any arbitrariness of the state represented by its Government. This is due to the lack of any internal legal means for such a protection – neither mechanism, nor sanctions are provided to guarantee the enforced execution of decisions of the Supreme Administrative Court of the Republic of Bulgaria on behalf of the Government.

IV. Statement regarding..... . .

1.The Bulgarian legislation gives the possibility for any administrative acts to be appealed before the Supreme Administrative Court of the Republic of Bulgaria. We have availed ourselves of this opportunity and we have appealed to the Supreme Administrative Court the implicit denial of the Council of Ministers of the Republic of Bulgaria to fulfill its obligations pursuant to Art. 6 and Art. 16 of the Religious Denominations Act. The Supreme Administrative Court with its decision No. 859 dd. 13.12.1996 ruled that our petition was well grounded and that a violation of the law was made by the Council of Ministers, and therefore has ordered our request to be returned to the Council of Ministers for them to take a decision. By decree No.6739/09.07.2002 the Supreme Administrative Court confirms the validity of its decision from 1996 regarding the implicit denial of the Council of Ministers - to adjudicate regarding the petition of the Holy Synod of the Bulgarian Orthodox Church.

2.Determination No. 6739/09.07.2002 of the Supreme Administrative Court regarding the petition by the Holy Synod of the Bulgarian Orthodox Church against the implicit denial of the Council of Ministers of the Republic of Bulgaria to adjudicate on the request for implementation of Art. 6 and Art. 16 of the Religious Denominations Act.

3.We have not used any other internal legal means for protection, as there aren't any.

V. Presentation of the merits of the petition.

19. The aim of our petition, is through one decision of the European Court of Human Rights, highly honored by us, to attract the attention on the fact that in the Republic of Bulgaria there are no efficient internal legal means for protection of religious denominations against any arbitrary acts of its Government, as well as to attract the attention of the supreme legislative body – the Parliament of the Republic of Bulgaria, to provide such legal means.

We think that such a statement and condemning the Government of the Republic of Bulgaria for violating the Religious Denominations Act and failing to fulfill the decisions of the Supreme Administrative Court of the Republic of Bulgaria, will be judged by its merits by the Council of Ministers in order to take a lawful and fair decision on our request for confirmation of the amendments and supplements to the Statute of the Bulgarian Orthodox Church and registration of the executive body – the Holy Synod with Vicar-Chairman of the Bulgarian Orthodox Church.

Financial indemnity

1. As the Holy Synod of the Bulgarian Orthodox Church has not obtained the registration of the executive body of the Bulgarian Orthodox Church required under Art. 16 of the Religious Denominations Act, the Holy Synod has no tax registration, statistical registration of the legal entities in the Republic of Bulgaria /BULSTAT/ and the other requisites, typical and required for activities to be carried out by the legal entities under the laws of the Republic of Bulgaria. The lack of such requisites has deprived the Holy Synod of the opportunity to generate and dispose of own financing, as a result of which the priests from the Holy Synod institution, who have performed their church obligations of spiritual pastors of the orthodox Christians have not been paid their due regular monthly remunerations for subsistence (salaries) from 1996 until now, and no installments for pension and health insurance have been paid for them, which is a gross violation of their civil rights. The total amount of these unpaid liabilities to the priests of the Holy Synod institution is 1196000 /one million one hundred ninety six thousand Bulgarian levs/ and should be paid by the real offender thereto – the State, because, violating Art. 13 of the Constitution of the Republic of Bulgaria, the State has admitted an interference with the ecclesiastical matters and thus has caused a real financial damage to the Bulgarian Orthodox Church.

2. The State should pay all the expenses for this lawsuit, which the Holy Synod of the Bulgarian Orthodox Church is compelled to conduct in order to protect its rights as religious denomination, guaranteed by the Constitution of the Republic of Bulgaria.

VI. Other international institutions

20. We have not made any petitions to other international organizations /institutions.

VII. List of the attached documents.

1. Constitution of the Republic of Bulgaria, Art. 13, /1/ and /2/ and Art. 44, /2/
2. Religious Denominations Act, Art. 6 and Art. 16.
3. Council of Ministers' Decree No. 225 dd. 14 October 1994 for adopting an Ordinance on the registration of executive bodies of the local subsidiaries of religious denominations in the Republic of Bulgaria, recognized by the Council of Ministers with attachment – the Ordinance.
- 1.Application/Request – Ref. No. 180/29.07.1996 of the Holy Synod to the Council of Ministers of the Republic of Bulgaria to confirm Amendments and Supplements to the Statute of the Bulgarian Orthodox Church.
- 2.Report No. 210/01.08.1996 of the Religions Director Mr. Christo Matanov to the Vicar Chairman of the Council of Ministers of the Republic of Bulgaria Mr. Svetoslav Shivarov.
- 3.Decree of the Supreme Administrative Court – consisting of five members No. 859 dd. 13.12.1996 regarding administrative case No. 807/1996 r.
- 4.Application by the Bulgarian Orthodox Church to the Prime Minister of the Republic of Bulgaria, Ref. No. 02.18-4/4 dd. 28.06.2001 to confirm amendments and supplements to the Statute of the Bulgarian Orthodox Church under Art. 6 and for registration of the central executive body of the Bulgarian Orthodox Church under Art. 16 of the Religious Denominations Act.
- 5.Petition – Ref. No. 2/161 dd. 05.09.2001 by the Bulgarian Orthodox Church to the Chairman of the Supreme Administrative Court of the Republic of Bulgaria against the implicit denial of the Council of Ministers to confirm the Statute pursuant to Art. 6 and to register central executive bodies pursuant to Art. 16 of the Religious Denominations Act.
- 6.Decree of the Supreme Administrative Court No. 6739 dd. 09.07.2002.
- 7.Transcript copy of a meeting of the Holy Synod, Minutes No.17 dd. 10.12.2002, authorizing the Vicar Chairman of the Holy Synod to sign and file this petition with the European Court of Human Rights.

VIII. Declaration and signature.

21. I hereby declare, consciously and sincerely, that the information, included in this application form is accurate.

Sofia

Date

VICAR-CHAIRMAN OF THE HOLY SYNOD
& SOFIA METROPOLITAN